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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,572	12/17/2001	Joey Chow	18157-US	6250

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EXAMINER	
NGUYEN, CINDY	
ART UNIT	**PAPER NUMBER**
2161	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,572	CHOW ET AL.	
	Examiner	Art Unit	
	Cindy Nguyen	2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 14-18, 21-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 14-18, 21-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/21/06 has been entered.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 11 and 14-16, 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Senevirathne et al. (US 6798740) (Senevirathne).

Regarding claim 1, Senevirathne discloses: A source selection system in a communication switch having active and redundant data flow paths (as a primary and redundant path switch fabric access devices, see col. 4, lines 52-67), said source selection system comprising:

A plurality of datasources (data paths) operating independently and outputting in parallel the same data subject to data transmission errors (col. 7, lines 12-40) that may be different for each of said datasources (Tap Mux, 140, 144, 148, 152, 156, 160, 164 and 168, Senevirathne);

One of said datasources being selected as an active datasource (col. 8, lines 24-40), wherein the data output thereby is used as active data for onward transmission over the active data flow path within said switch, and the other of said corresponding datasources serving as a redundant datasource wherein the data output thereby acts as substitute data for use in the event of inadequate operational performance of said active resource (selection of the protections switching fabric, col. 8, lines 24-40, Senevirathne);

a validation module (fabric controller 104 and col. 7, lines 22-40) associated with said second datasource (fabric access devices (FADs)) adapted to monitor said datasource for transmission and provide information relating to said transmission errors (col. 7, lines 22-40, Senevirathne);

an assessment module (the Health maintenance module) receiving said information from said validation module and assessing operational performance of each of said datasources based on said information (col. 7, lines 41-62, Senevirathne);a source selector (protection data path) responsive to instructions from said assessment module to select as said active datasource one of said datasources based on the operational performance of said plurality of datasources (col. 8, lines 16-46, Senevirathne).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 1 above. It is therefore rejected as set forth above.

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Senevirathne discloses: wherein said validation module comprises a plurality of validation sub-modules (the fabric controller 104 includes an error checking module 172, a fabric controller module 176 and a health maintenance module 180), each one of said plurality of validation sub-modules associated respectively with one of said plurality of datasources (col. 7, lines 22-62, Senevirathne).

Regarding claims 3 and 14, all the limitations of these claims have been noted in the rejection of claims 2 and 11 above, respectively. In addition, Senevirathne discloses: wherein said validation module performs an integrity check on data transmitted by said datasource to provide information relating to transmission errors (col. 9, lines 22-40, Senevirathne).

Regarding claims 4 and 15, all the limitations of these claims have been noted in the rejection of claims 3 and 14 above. In addition, Senevirathne discloses: wherein said assessment module evaluates severity of said transmission errors provided in said information and causes said source selector to select active output datasource associated with said primary datasource based on said severity of said transmission errors (col. 7, lines 41-62, Senevirathne).

Regarding claims 5 and 16, all the limitations of these claims have been noted in the rejection of claims 4 and 15 above. In addition, Senevirathne discloses: wherein said integrity check on said data comprises a parity check and a cyclic redundancy check (col. 10, lines 6-20, Senevirathne).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Senevirathne discloses: a first communication module comprising a first chain of successive data processing elements outputting data (col. 7, lines 1-40, Senevirathne);

A second communication module comprising a second chain of successive data processing elements outputting data (col. 7, lines 1-40, Senevirathne);

Each of said data processing elements in said first communication module having a corresponding data processing element in said second communication module, whereby successive pairs of data processing elements in said first and second communication modules output the same data in parallel subject to transmission errors

which may be different for each data processing element of said successive pairs of data processing elements (col. 7, lines 1-40, Senevirathne);

Cross connects for cross connecting an output of at least some of said data processing elements in each of said first and second chains with an input of a following said data processing element in the other of said first and second chains (col. 7, lines 1-40, Senevirathne);

A source selector responsive to instructions from said assessment module to select as an upstream active data source for a particular said data processing element one of said data processing elements of a processing pair of said data processing elements based on the operational performance of said data processing elements in said preceding pair, the other of said data processing elements of said preceding pair of said data processing elements serving as an upstream redundant source until the operational performance of said upstream active source becomes worse than said upstream redundant data source, whereupon said source selector switches roles of said active and redundant data sources (col. 4, lines 52 to col. 5, lines 67, Senevirathne).

Regarding claim 22 all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Senevirathne discloses: wherein said assessment module continually instructs said source selector to select the datasource with the best operational performance (col. 7, lines 42 to col. 8, lines 46, Senevirathne).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-10, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senevirathne et al. (US 6798740) (Senevirathne) in view of Smith et al. (US 20020016933) (Smith).

Regarding claims 6 and 17, all the limitations of these claims have been noted in the rejection of claims 5 and 16 above. However, Senevirathne didn't disclose: wherein said integrity check is performed on a payload portion of said data. On the other hand, Smith discloses: wherein said integrity check is performed on a payload portion of said data (paragraphs 0058, Smith). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include : integrity check is performed on a payload portion of said data in the system of Senevirathne as taught by Smith. The motivation being to enable the system provide an error correction byte for payload bytes in the sonnet signal communication.

Regarding claims 7 and 18, all the limitations of these claims have been noted in the rejection of claims 6 and 17 above. In addition, Senevirathne/Smith discloses:

wherein said integrity check is performed on a header portion of said data (paragraphs 0013, Senevirathne).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 7 above. In addition, Senevirathne/Smith discloses: further comprising a plurality processing cards and an interface card in said communication switch said plurality of processing cards providing said plurality of datasources, and said source selector operating input to said interface card (col. 4, lines 51-67, Senevirathne)

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 8 above. In addition, Senevirathne/Smith discloses: wherein said integrity check is performed upon said data being received by at least one of said processing cards of said communication switch (col. 7, lines 22-40, Senevirathne).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Senevirathne/Smith discloses: wherein said source selector is a multiplexer (col. 7, lines 22-40, Senevirathne).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Larsson et al. (U.S 6201811). Transferring identifier information in a telecommunications system.

Sederlund et al. (U.S 5568615). Stealth interface for process control computers.

Van Huben et al. (U.S 5950201). Computerized design automation method using a single logical PFVL paradigm.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gaffin Jeffrey can be reached on 571-272-4162. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cindy Nguyen
May 2, 2006

FRANTZ COBY
PRIMARY EXAMINER